

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

## I. EXECUTIVE SUMMARY

Date of Incident:	September 7, 2016
Time of Incident:	3:00 a.m.
Location of Incident:	[REDACTED]
Date of COPA Notification:	October 9, 2016
Time of COPA Notification:	4:28 p.m.

After being out at [REDACTED]'s Pub, the complainant, [REDACTED], took a cab home, which is located on the west side of Chicago. When the cab driver declined [REDACTED]'s directions to drive through a narrow alley in order to drop him off at his front door, [REDACTED] refused to pay his fare. The cab driver then drove [REDACTED] to [REDACTED] and called the police. [REDACTED] alleged that Officer [REDACTED] arrived on scene and forced him to pay a cab driver a fare. [REDACTED] further alleged that Officer [REDACTED] and her partner left him stranded outside of the [REDACTED] facility, that other unidentified officers that arrived on scene harassed him by asking him why he was in the area and if he was intoxicated. Additionally, [REDACTED] alleged that an officer dressed in a white shirt twisted his arm; squeezed the handcuffs onto his wrists, placing the cuffs too tightly; and ultimately placed him under arrest. [REDACTED] stated that he was thrown in the back of a police car, causing him to hit the side of his face on the seat. He was then transported to the [REDACTED] District for processing where he informed lock-up personnel that he suffered from arrhythmia. [REDACTED] was transported to [REDACTED] Hospital where he refused medical attention due to lack of trust of the medical staff and the police.

## II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED], Star # [REDACTED], Employee # [REDACTED], Date of Appointment: [REDACTED] 1996, Rank: Sergeant of Police, Unit of Assignment: [REDACTED], DOB: [REDACTED] 973, male, Hispanic.
Involved Individual #1:	[REDACTED], DOB: [REDACTED] 1985 male, Black.

## III. ALLEGATIONS

Officer	Allegation	Finding
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<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

Sergeant [REDACTED]	<ol style="list-style-type: none"> <li>1. It is alleged that on September 7, 2016, at approximately 3:00 a.m., in the vicinity of [REDACTED], the accused officer twisted his arm and "squeezed" the handcuffs into his wrists, placing the cuffs too tightly in violation of Rule 8.</li> <li>2. It is alleged that on September 7, 2016, at approximately 3:00 a.m., in the vicinity of [REDACTED], the accused officer tossed him into the back seat of a police SUV, causing him to fall into the SUV and hit the side of his face on the seat in violation of Rule 8.</li> </ol>	Unfounded
Unidentified Officer(s)	<ol style="list-style-type: none"> <li>1. It is alleged that the accused officer placed shackles on his ankles too tightly in violation of Rule 8.</li> </ol>	Unfounded

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

#### V. INVESTIGATION<sup>2</sup>

##### a. Interviews

In a **statement to IPRA on October 12, 2016**, [REDACTED]<sup>3</sup> stated that on the date of the incident, he had been at [REDACTED]'s Pub, where he consumed "many" alcoholic beverages before taking a cab home, located on the west side of Chicago. The cab driver refused to drive through an alley in order to drop [REDACTED] off at his front door. Instead, the cab driver drove [REDACTED] to [REDACTED]. After [REDACTED] refused to pay his fare, an officer who [REDACTED] identified as "Officer [REDACTED]"<sup>4</sup> arrived and forced him to pay the cabdriver. [REDACTED] stated that Officer [REDACTED] offered to give him a ride home after he paid the cabdriver but eventually left him stranded. According to [REDACTED], a verbal argument ensued between him, Officer [REDACTED] and other responding officers. [REDACTED] stated that he was harassed by the officers as to why he was there, he was told he was on private property, and the officers asked if he had consumed alcohol. [REDACTED] stated that a white uniformed officer, now known as Sgt. [REDACTED], arrived. [REDACTED] informed Sgt. [REDACTED] that he was waving other vehicles down for a ride home, but Sgt. [REDACTED] told him to

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> Attachments 16, 17.

<sup>4</sup> Now known to be Officer [REDACTED], # [REDACTED].

walk home. [REDACTED] explained that the officers were in the process of leaving the scene when he told them to “get their asses out of here” and called them “murderers.”

[REDACTED] stated that Sgt. [REDACTED] exited his vehicle, twisted [REDACTED]’s arm, squeezing handcuffs onto [REDACTED]’s wrists and ultimately placed him under arrest. [REDACTED] stated that he sustained injuries to his wrists from the handcuffs being placed too tightly. Additionally, [REDACTED] sustained bruising from the shackles that were placed on his legs. [REDACTED] stated that he was told repeatedly by the officers that he was moving too much and standing incorrectly. [REDACTED] stated that Sgt. [REDACTED] “tossed” him into the back seat of a police SUV, causing him to fall into the SUV and hit the side of his face on the seat.<sup>5</sup>

[REDACTED] stated that upon arriving at the station, while in lock-up, he was not quiet. [REDACTED] stated that he told the officers that he was going to file a report, and he called them “despicable” and “dishonorable.” Furthermore, Mr. [REDACTED] stated that he informed the officers that he had heart arrhythmia, which is aggravated by alcohol consumption and stress. Mr. [REDACTED] stated that he was in lock-up for approximately two hours before he was taken to the hospital. He explained that he was aware that there was a change of shifts and was transported to the hospital, where he refused treatment, by officers in the new shift. After leaving the hospital, he was transported back to the district where he obtained his property.

### b. Digital Evidence

**In-car camera video footage** recovered from vehicle # [REDACTED]<sup>6</sup> shows [REDACTED] and officers in the middle of the street when the vehicle arrives. The driver (Sgt. [REDACTED]) stops the vehicle in the middle of the street. [REDACTED] and the other officers are no longer in camera view, but a verbal dispute is heard between a male and a female. Sgt. [REDACTED] exits the vehicle and orders [REDACTED] to stand on the sidewalk. A few minutes later some of the officers leave the area. [REDACTED] is then seen standing in the middle of the street asking for a ride. Sgt. [REDACTED] again orders [REDACTED] to get off the street or he will be arrested. Sgt. [REDACTED] tells [REDACTED], “You’re going to jail.” Sgt. [REDACTED] then tells [REDACTED] to get on the sidewalk, but [REDACTED] refuses to comply. [REDACTED] yells words to the effect of, “You’re a murderer, a low life, get the fuck out of here.” Sgt. [REDACTED] later leaves the scene.

**In-car camera footage** recovered from vehicle # [REDACTED]<sup>7</sup> depicts approximately 8-10 officers talking to [REDACTED], who is standing in the middle of the street. The footage contains a view of Sgt. [REDACTED] apparently telling [REDACTED] to move to the side of the street and physically directing him there. The internal rear-view camera from this vehicle shows a male officer attempting to place [REDACTED] in the backseat, but [REDACTED] stretches his legs to prevent the officer from closing the door. A female officer assists the male officer by pulling [REDACTED] into the vehicle from the opposite passenger door. The video does not show [REDACTED] strike his head on anything. [REDACTED] en route to the station, [REDACTED] appears very excited and is seen and heard yelling profanities at the officers. [REDACTED] tells the officers that he has their name and badge number. He yells at the officers that

<sup>5</sup> [REDACTED] stated that he did not sustain any injuries from hitting his face on the seat.

<sup>6</sup> Attachment 25. The relevant portion is approximately 27:51-33:45 into Clip 2.

<sup>7</sup> Attachment 26. The relevant portions are from Clip 2 and Clip 3. Officers [REDACTED] and [REDACTED] were in this vehicle.

they are “full of shit, they are murderers of young black men, they are overweight, and they look like porky the pig.” The officers attempt to remove [REDACTED] from the vehicle but he complains that his hands hurt because the handcuffs are too tight. [REDACTED] tells the officers that they have to pull him out; but as the officers attempt to pull him out of the vehicle, [REDACTED] screams that they are hurting his arm. About a minute later, [REDACTED] exits the vehicle on his own.

### c. Documentary Evidence

The **Arrest and Case Reports**<sup>8</sup> document that upon responding to a “theft of service” call at [REDACTED] at 4:36 a.m.<sup>9</sup> [REDACTED] was observed standing in the middle of the street waving his arms and yelling obscenities and attempting to solicit a ride from passersby. After refusing several orders to cease said actions, [REDACTED] was transported to the [REDACTED] District for processing. [REDACTED] was charged with IVC-Pedestrian Solicit Ride on Roadway. He arrived in lockup at 5:57 a.m. and was released to go to the hospital at 6:05 a.m. The lockup keeper processing section notes that [REDACTED] reported that he takes heart medication as needed. He also appeared to be irrational and under the influence of alcohol/drugs.

**Court Records**<sup>10</sup> document that the IVC-Pedestrian Solicitation charge against [REDACTED] was Stricken Off- Leave to Reinstate.

**Medical Records** obtained from [REDACTED] Hospital<sup>11</sup> document that [REDACTED] was brought in by CPD Beat [REDACTED] on September 7, 2016 at approximately 6:52 a.m. According to the report, [REDACTED] was upset and angry because he was handcuffed. [REDACTED] was reported to be very loud and agitated. He reported to have a history of arrhythmia. [REDACTED] refused medical management and was discharged to police custody.

## VI. ANALYSIS

COPA recommends a finding of **Unfounded** for **Allegations #1 and 2** against **Sergeant [REDACTED]**, that he twisted his arm and "squeezed" the handcuffs into his wrists, placing the cuffs too tightly and that Sergeant [REDACTED] tossed him into the back seat of a police SUV, causing him to fall into the SUV and hit the side of his face on the seat.

[REDACTED] admitted to drinking several alcoholic beverages at [REDACTED]’s Pub before taking a cab home. He explained that he became upset when the cab driver refused to drive through a narrow alley in order to drop him off at his front door, and therefore refused to pay his fare.

In-car camera footage obtained from vehicles [REDACTED] and [REDACTED] depict [REDACTED] in a very agitated and excited state of mind. He is seen and heard yelling at the responding officers, and by his own account, calls the officers “murderers” and telling them to “get their asses out of here.” Once inside of the squad car, [REDACTED] is observed laying on the seat, extending his legs to prevent the officers from closing the door. [REDACTED] is then observed in a seated position, moving his body

<sup>8</sup> Attachments 5, 6.

<sup>9</sup> [REDACTED] is the same location as this address.

<sup>10</sup> Attachment 27.

<sup>11</sup> Attachment 19.

around. His agitated demeanor appears to escalate, and he is seen yelling obscenities at the officers, telling them they are "full of shit, they are murderers of young black men, they are overweight, and they look like porky the pig." [REDACTED] also explains that the officers told him to stop moving when he told them that the handcuffs and shackles were on too tight.

[REDACTED] explains that upon arriving at the station, his excited behavior continues into lock-up. He states that he is not transported to the hospital for at least two hours after telling lock-up personnel that he has heart arrhythmia but adds that the officers were in the middle of shift change. His arrest report and the medical records reveal that he was taken to the hospital much faster than he claimed. [REDACTED] then refused to accept medical treatment because, according to him, he did not trust the medical staff or the officers.

Based on the above factors, COPA recommends that the allegations be classified as Unfounded, and that the investigation be terminated without requesting statements from any of the involved officers. The available video and documentary evidence refuted many of [REDACTED]'s claims. Although [REDACTED]'s description of how he was handcuffed could possibly be true, it is far more likely that [REDACTED] escalated the incident with his agitated demeanor and likely caused his own injuries to his wrists and legs.

Additionally, although [REDACTED] alleges that Officer [REDACTED] forced him to pay an unjust fare and left him stranded, those actions do not rise to the level of misconduct. It was in fact [REDACTED]'s responsibility to pay the cab driver for his services and although [REDACTED] states that Officer [REDACTED] offered to give him a ride home, based on his excited demeanor, it is not the officer's obligation to drive him home.

COPA recommends a finding of **Unfounded** for **Allegation #1** against **unidentified officer(s)**, that he was shackled too tightly, for the same basis cited for Allegation #1 against Sergeant [REDACTED].

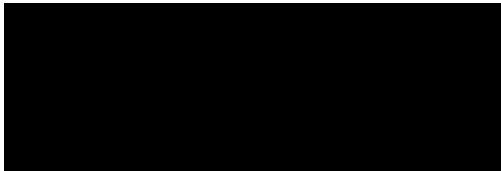
## VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Sergeant [REDACTED]	<ol style="list-style-type: none"><li>1. It is alleged that on September 7, 2016, at approximately 3:00 a.m., in the vicinity of [REDACTED], the accused officer twisted his arm and "squeezed" the handcuffs into his wrists, placing the cuffs too tightly. in violation of Rule 8.</li><li>2. It is alleged that on September 7, 2016, at approximately 3:00 a.m., in the vicinity of [REDACTED], the accused officer tossed him into the back seat of a police SUV, causing him to fall</li></ol>	Unfounded
		Unfounded

	into the SUV and hit the side of his face on the seat. in violation of Rule 8.	
Unidentified Officers	1. It is alleged that the accused officer placed shackles on his ankles too tightly in violation of Rule 8.	Unfounded

Approved:



February 11, 2019

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Date

*Deputy Chief Administrator – Chief Investigator*

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	[REDACTED]
<b>Major Case Specialist:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	[REDACTED]